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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,259	10/16/2003	Vaijayanthimala K. Anand	AUS920030465S1	9973

7590

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EXAMINER

BAKER, PAUL A

ART UNIT      PAPER NUMBER

2188

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,259

Applicant(s)

ANAND ET AL.

Examiner

Paul A. Baker

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,11,12,14,15,19,20,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 3,6-9,12,15-18,21 and 24-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/16/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,5,11,12,14,15,19,20,22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Minkoff et al. US Patent 6,070,202.

In regards to claims 1, 11 and 19, Minkoff discloses adaptively reconfiguring a pool of buffers, the buffers having a current size, the method comprising the steps of:

receiving data of a particular size to be stored in one of the buffers in figure 5 element 510;

counting each time data of the particular size is received to be stored in one of the buffers is inherent to Minkoff's disclosure that metrics of peak number of concurrent requests are collected, to calculate the disclosed metric the number of data of a particular size stored in the buffer at any one time must be counted;

determining whether the particular size of the data is greater than the current size of the buffers in figure 5 element 540 and figure 4; and

reconfiguring the current size of the buffers to the particular size of the data the particular size of the data is greater than the current size of the buffers and if the number of times data of the particular size is stored in one of the buffers is greater than

a first threshold in figure 5 element 550, the threshold being exhaustion of buffer space to hold additional requests.

In regards to claim 2, 12 and 20, Minkoff discloses the reconfiguring step includes the step of determining whether more memory space may be allocated before reconfiguring the buffers to the particular size of the data in figure 6 elements 620 and 630.

In regards to claims 4, 14 and 22, Minkoff discloses the current size of the buffers is reconfigured to the particular size of the data if the particular size of the data is smaller than the current size of the buffers and if the number of times data of the particular size is stored in one of the buffers is smaller than a second threshold in figure 6 element 620 threshold being allocated buffers compared with peak number of concurrent requests resulting in an excess capacity greater than zero.

In regards to claims 5, 15 and 23, Minkoff discloses before the buffers are reconfigured to the particular size of the data it is determined whether memory space is needed for other purposes in figure 6 element 610.

### ***Allowable Subject Matter***

Claims 3, 6-9, 12, 15-18, 21, 24-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Baker whose telephone number is (571)272-4203. The examiner can normally be reached on M-F 10am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PB

Mano Padmanabhan  
3/14/06

MANO PADMANABHAN  
SUPERVISORY PATENT EXAMINER